IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 597 OF 2005

WITH

CIVIL APPLICATION NO. 695 OF 2005

Sayyed Abdul Hamid Mohmed Miya .. Appellant

versus

Municipal Corporation of Gr.
Mumbai & Anr. .. Respondents

...

Mr.J.J. Shah for the appellant.

Ms.Geeta Joglekar for the BMC.

Mr.Prakash G. Lad for the respondent no.2.

CORAM : B.H. MARLLAPALLE,J

DATED : 22nd August 2005.

P.C.:

1. By the impugned order dated 3rd May 2005, the learned Judge of the City Civil Court at Mumbai declined to pass any ad-interim order and the Notice of Motion was made returnable on 22nd July 2005.

2. The learned counsel for the appellant is

the plaintiff tenant in L.C. Suit no.2028 of 2005 states that the respondent Corporation has not yet filed reply to the Notice of Motion which is likely to come up before the Court below on 14th September 2005 and therefore, it could not be decided by the trial Court.

3. The Corporation is directed to file its reply in the pending Notice of Motion in L.C. Suit no.2028 of 2005 on or before 14.9.2005 and the said Notice of Motion is directed to be heard and decided as expeditiously as possible preferably by 31st October 2005.

4. In the facts and circumstances of this case, there is no prima facie case to grant protection during the pendency of the Notice of Motion.

5. Appeal is disposed of accordingly.

6. Civil Application does not survive and is disposed of.

B.H. MARLAPALLE, J